

Application No. 09/605,695
Amendment dated July 13, 2007
Reply to Office Action of February 8, 2007

REMARKS

Applicant amended claims 1, 9, 17, 22, 23, 27, and 29, and added new claims 38-43 to further define Applicant's claimed invention. Support for the amendments to claims 1, 9, 17, 22, 27, and 29 and for new claims 38-43 can be found in the specification at least on page 8, lines 1-10 and page 12, line 21 through page 13, line 8. No new matter has been added.

In the Office Action, the Examiner rejected claims 1-7, 9-15, 17-20, 22, 23, and 27-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,892,900 to Ginter ("Ginter") in view of U.S. Patent No. 5,848,396 to Gerace ("Gerace").

Applicant amended independent claims 1, 9, 17, 27, and 29 to recite a system and a method for targeting media objects to a plurality of users that includes a media object profile, "said media object profile not including any attribute of said users." Applicant amended independent claim 22 to recite a smart media object including a media object profile portion containing content use information, "said content use information not including any attribute of said users." Ginter and Gerace, taken alone or when properly combined, do not disclose or suggest such systems and methods.

Ginter discloses that "[r]eporting of usage information and user requests can be used for supporting electronic currency, billing, payment and credit related activities, and/or for user profile analysis and/or broader market survey analysis and marketing (consolidated) list generation or other information derived, at least in part, from said usage information." (Ginter, col. 36, lines 28-34). Thus, Ginter teaches profiling a user and either analyzing content usage associated with a user profile or analyzing a user profile based on user attribute and usage requests. Ginter does not teach or suggest a media object profile "not including any attribute of said users" as recited in independent claims 1, 9, 17, 27, and 29. Ginter does not teach or suggest gathering content use information "not including any attribute of said users" as recited in independent claim 22. Gerace discloses a computer network method and apparatus that "provides targeting of appropriate audience based on psychographic or behavioral profiles of end users," which are "formed by recording computer activity and viewing habits of the end user." (Gerace, Abstract). In Gerace, an advertiser "specifies in Ad Series Object 33c

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the required and/or preferred psychographic and/or demographic criteria and relative importance (e.g., weight) with respect to each criterion." (Gerace, col. 12, lines 28-31). Gerace teaches that "program 31 automates weighting of criteria and in real time adjusts the intended audience profile of advertisements. To that end, program 31 tracks demographic and/or psychographic criteria of users who view ('hit') and/or select (i.e., 'click through') advertisements. Then program 31 performs a traditional regression analysis of the tracked criteria . . . to determine the weight of each criteria." (Gerace, col. 15, lines 25-35). In Gerace, a regression analysis is performed to determine which user "characteristics are important and who (type of user profile) the ad appeals to most." (Gerace, col. 18, lines 16-18).

Gerace uses the following specific example of the system in use:

"[I]n order to achieve rapid and direct benefits from the detailed reporting of program 31, program 31 allows the sponsor to enter new advertising contracts on line. If a sponsor recognizes that, for example, 25-35 year-old women tend to purchase frequently and respond to their still, forest green colored advertisements most often, program 31 allows sponsors to place that type of ad in front of the subject target market segment during a reporting cycle. Thus, program 31 enables updating of the Sponsor and Ad Objects 33 during a reporting cycle to accommodate the foregoing." (Gerace, col. 20, lines 9-18).

The above example in Gerace illustrates that the advertiser collects and analyzes advertisement usage information that includes demographic attributes of the users such as age and sex. In this example, the sponsor is allowed to update the target profile of the ongoing ad to include the analysis-identified user attributes and to present that type of ad to a market segment matching that target profile.

Accordingly, Gerace specifically teaches that the collected usage information includes psychographic and/or demographic attributes of the users. In addition, Gerace teaches that the audience, i.e., target, profile of advertisements is created and adjusted to include statistically significant user attributes. Gerace does not teach or suggest creating a media object profile "not including any attribute of said users" as recited in independent claims 1, 9, 17, 27, and 29. Further, Gerace does not teach or suggest gathering content use information "not including any attribute of said users" as recited in

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independent claim 22.

Applicant submits that even if the teachings of Ginter and Gerace were combined as proposed by the Examiner, the proposed combination would not disclose or suggest all of the recitations of independent claims 1, 9, 17, 22, 27, and 29. It is submitted that independent claims 1, 9, 17, 22, 27, and 29 are allowable over the cited references, and that dependent claims 2-7, 10-15, 19-20, 23, 28, 30, 31, and 38-43, dependent from one of independent claims 1, 9, 17, 22, 27 and 29, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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